

ESTTA Tracking number: **ESTTA407100**

Filing date: **05/04/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	Cleary Chemicals, LLC
Application Serial Number:	77942162
Application Filing Date:	02/23/2010
Mark:	TORQUE
Date of Publication	01/04/2011

60 Day Request for Extension of Time to Oppose Upon Consent and Extraordinary Circumstances

Pursuant to 37 C.F.R. Section 2.102, EMD Crop BioScience Inc., 13100 West Lisbon Avenue, Suite 600, Brookfield, WI 53005, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark with applicant's consent and extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- This request is being filed pursuant to TBMP, Section 206.02, by EMD Crop BioScience Inc., an assignee of the mark TORQUE, previously owned by Merck KGaA. The initial request filed by Merck was for 90 days. This request is for 30 days, but the form will not permit the filing of this request without checking the "60-day" box. The mark (TORQUE) acquired by the assignee is identical to the mark for which an extension to oppose is requested. The mark TORQUE was assigned after the initial extension of time to oppose was obtained by Merck. It was only recently brought to the attention of the current owner that there was a pending extension of time to file an opposition. EMD Crop BioScience Inc., the new owner of the mark TORQUE, is only requesting a 30-day extension of time to review this matter. The undersigned attorney has been in contact with the applicant's attorney, Tama L. Drenski, and she has consented to this 30-day extension of time on behalf of the applicant. This extension will permit the new owner to investigate the implications of the publication of this mark. The assignment of the mark TORQUE was filed for recording today.

The party filing this request is related to the party filing the previous request as follows: EMD Crop BioScience Inc. is in privity with Merck KGaA because Merck assigned the relevant mark to EMD as explained above. See TBMP Section 206.02..

The time within which to file a notice of opposition is set to expire on 05/04/2011. EMD Crop BioScience Inc. respectfully requests that the time period within which to file an opposition be extended until 07/03/2011.

Respectfully submitted,
/Edward M. Prince/
05/04/2011

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